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S E C R E T SECTION 01 OF 02 STATE 014270

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E.O. 12958: DECL: 02/11/2023  
TAGS: [PTER](#) [PREL](#) [PHUM](#) [PINS](#) [LY](#)  
SUBJECT: LIBYA: REQUEST FOR ROUTINE ACCESS TO REPATRIATED GUANTANAMO  
DETAINEES

REF:A) USG-GOL DETAINEE TRANSFER FRAMEWORK MOU DECEMBER 11, 2006  
B) TRIPOLI 1060  
C) STATE 163961  
D) TRIPOLI 723

Classified by NEA/MAG Director Elizabeth Hopkins for reasons 1.4(b)  
and (d).

#### SUMMARY

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¶1. (S/NF) Department remains concerned about the GOL's past failure to provide Post with timely access to returned Libyan detainees Muhammad Abdallah Mansur al-Rimi (ISN 194) and Ben Qumu Abu Sufian Ibrahim Ahmed Hamouda (ISN 557), and believes that under the circumstances it is important to institute a regular schedule of visits to these individuals. Post is requested to approach the GOL regarding the establishment of such a schedule. Department also asks that Post request from the GOL information about the legal basis for detaining these individuals and what kind of criminal or other legal processes they may be facing. End summary.

#### OBJECTIVES

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¶2. (S/REL LIBYA) Department instructs Embassy to pursue the following objectives:

-- Emphasize that it is very important for the GOL to abide by the assurances it provided to the United States;

-- Inform the GOL that because of the difficulties we have had in gaining access to the detainees, we would like to establish a schedule for regular access visits, e.g. once a quarter or every other month. The specific schedule should be worked out with the Libyan government;

-- Inform the GOL that we encourage them to approve access by counsel and family members to the transferred detainees; and

-- Request from the GOL an explanation of the legal basis upon which each detainee is being held (i.e., whether the detainee is being held pending criminal charges, has already been charged/tried/convicted for criminal acts, or is alternatively being held on the basis of security detention authorities), and request information about any procedures the detainees may face relating either to criminal charges or the legality of their detention.

#### REPORTING DEADLINE

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¶3. (U) Post should report the result of efforts by cable to S/WCI Ambassador Clint Williamson and the Libya Desk before February 26, 2008.

#### BACKGROUND

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¶4. (S/NF) The USG has not yet satisfactorily established how detainee

al Rimi's arm came to be injured (ref B and C). The Department of Defense has not located any documentation of the altercation at Guantanamo in which al-Rimi stated his injury occurred. DOD is in the process of seeking the detainee's Guantanamo discipline record, but absent evidence of another source of injury, the best currently available explanation is that the injury was sustained while in GOL custody.

¶15. (S/NF) Department believes that in order to address some of the concerns that have arisen with respect to al Rimi's past treatment, Post should work with the GOL to create a regular schedule of visits to the detainees (e.g., quarterly or every other month). By asking the GOL for a schedule along these lines, the USG will also underscore the importance that it places on reliable access, and its dissatisfaction with GOL responsiveness to prior access requests. A regular access regime would also give the GOL an opportunity to create a positive track record by demonstrating that it can and will comply with the humane treatment and access assurances in the USG-GOL detainee transfer MOU (Ref A). (NOTE: While the GOL provided access to both detainees on December 25 (ref B) and to al Rimi on August 19 (ref D), in the case of al Rimi, it did so only after repeated requests and significant delays. Article 4 of the MOU makes clear that the GOL will grant the Watchdog Committee access in order to verify the GOL's compliance with its humane treatment and other assurances. The USG cannot rely on access as a verification tool unless access requests are promptly and consistently granted. END NOTE.)

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¶16. (S/NF) The USG also wishes to understand whether the transferred detainees have been detained for criminal acts, and if so whether they have been notified of the charges against them and afforded access to legal counsel in accordance with Article 5 of the USG-GOL detainee transfer framework MOU. If detainees have not had access to counsel because they are being held for reasons that do not relate to alleged criminal acts (e.g., if they are being held as security detainees under a law of war framework) then it would be useful to understand this as well.

¶17. (S/NF) Department was pleased by the GOL's facilitation of an access visit by Hamouda's family on December 27. We recognize that family visits do not fall within the scope of the detainee transfer framework MOU, but believe that such access is appropriate under these circumstances. To this end, Post should encourage additional family member visits.

¶18. (S/NF) Department understands that detainee issue negotiations with the GOL have been very difficult. In order to help facilitate our request for routine access to the detainees and negotiate the details of a planned access schedule, Department is prepared to dispatch individual(s) to Post to assist in these discussions. Department requests Post's feedback regarding this option.

#### POINT OF CONTACT

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¶19. (SBU) Please contact Jason S. Gorey at (202) 647-8219 or via e-mail for any additional background information or argumentation necessary to meet our objectives.

#### ADDITIONAL NOTES

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¶10. (SBU) Department recognizes and wishes to thank Post for its outstanding efforts in following-up on the two detainees transferred to Libya.

¶11. (U) Tripoli minimize considered.  
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